

### **Remarks**

Claims 1-6, 8-15, 17-24 have been rejected under 35 USC 103(a) as being unpatentable over U.S. patent no. 6,044,388 ("DeBellis") in view of IBM Technical Disclosure NB 9206431 ("IBM").

Claims 7, 16 have been rejected under 35 USC 103(a) as being unpatentable over DeBellis and IBM in view of U.S. patent no. 5,696,828 ("Koopman").

Applicants respectfully traverse these rejections because the cited references do not disclose or suggest every element of any pending claim, as the following analysis shows.

Independent claims 1 and 10 each recite that the numerical sequencing stops upon a request for a pseudo-random number and resumes at the beginning of a subsequent hash stage. Claims 19 and 22 are similar, with the added limitation that stopping is conditioned upon receipt of the request during the current hash stage. These limitations were previously claimed, but some of the limitations were in dependent claims 2-5, 12-14, 20-21, and 23-24, respectively. Those claims have now been cancelled as being redundant in view of the amendments to the independent claims.

The office action relies on the bottom of page 2 of IBM to provide the limitation that sequencing is restarted from where it stopped. However, this portion of IBM states that two counters are incremented at different rates, not that a sequencer is started and stopped upon the claimed events. A counter is not a sequencer, and there is no reasonable motivation to combine the references in this manner.

Section 2143 of the Manual of Patent Examining Procedure (“MPEP”) sets forth the requirements that must be satisfied to establish a prima facie case of obviousness under 35 USC 103. Section 2143 requires the cited references to contain a suggestion or motivation to combine them. The rejection fails to make this showing because it does not point out a suggestion or motivation to combine from within the references. Instead, it only makes a conclusory statement that it would have been obvious to one of ordinary skill in the art to combine, because the combination might produce some beneficial result. If the possibility of a beneficial result were sufficient to deny patentability, few patents would ever be granted because every patented invention has beneficial results. Further, the possibility that a person of ordinary skill in the art might envision such a benefit likewise does not provide the motivation to combine. This reasoning engages in hindsight speculation that section 2143 and the Federal Circuit expressly proscribe: “the level of skill in the art cannot be relied upon to provide the suggestion to combine references,” (MPEP 2143, citing *Al-Site Corp. v. VSI Int’l Inc.*, 174 F.3d 1308 (Fed. Cir. 1999)). Just because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness with some objective reason to combine the teachings of the references.” (citing *Ex parte Levengood*, 28 USPQ2d 1300, Bd. Pat. App. & Inter. 1993). By repeating the mistakes criticized in section 2143 and failing to show a suggestion or motivation to combine the cited references that is contained within the references, the rejection has failed to establish a prima facie case of obviousness under 35 USC 103.

Each of the remaining pending claims depends from claim 1, 10, 19 or 22, and therefore contains the same limitations not disclosed or suggested by DeBellis and IBM.

Koopman was cited solely to disclose a linear feedback shift register for claims 7 and 16, and does not make up for the aforementioned limitations that are missing from DeBellis and IBM.

### **Conclusion**

For the foregoing reasons, it is submitted that the application is in condition for allowance, and indication of allowance by the Examiner is respectfully requested. If the Examiner has any questions concerning this application, he or she is requested to telephone the undersigned at the telephone number shown below as soon as possible. If any fee insufficiency or overpayment is found, please charge any insufficiency or credit any overpayment to Deposit Account No. 02-2666.

Respectfully submitted,

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s/John F. Travis/

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